

**Executive Summary – Enforcement Matter – Case No. 44407**  
**S.L.C. WATER SUPPLY CORPORATION**  
**RN101265908**  
**Docket No. 2012-1266-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

S.L.C. WSC, 245 Limestone County Road 755, Limestone County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 23, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$417

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$417

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 44407**  
**S.L.C. WATER SUPPLY CORPORATION**  
**RN101265908**  
**Docket No. 2012-1266-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** May 14, 2012  
**Date(s) of NOE(s):** May 21, 2012

***Violation Information***

1. Failed to submit routine reports and any additional documentation that the Executive Director may require to determine compliance with the requirements of this chapter [30 TEX. ADMIN. CODE § 290.46(f)(3)(c)(iii) and (f)(4)].
2. Failed to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes (“TTHM”) based on the running annual average [30 TEX. ADMIN. CODE § 290.133(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require Respondent to:

- a. Within 30 days, submit the Recycling Practices Report;
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.;
- c. Within 365 days, return to compliance with the running annual average maximum contaminant level for TTHM; and
- d. Within 380 days, submit written certification demonstrating compliance.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**Executive Summary – Enforcement Matter – Case No. 44407**  
**S.L.C. WATER SUPPLY CORPORATION**  
**RN101265908**  
**Docket No. 2012-1266-PWS-E**

**TCEQ Enforcement Coordinator:** Katy Schumann, Enforcement Division,  
Enforcement Team 2, MC 169, (512) 239-2602; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** Alan Hughes, President, S.L.C. WATER SUPPLY CORPORATION, 245  
Limestone County Road 775, Groesbeck, Texas 76642

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	4-Jun-2012	<b>Screening</b>	15-Jun-2012	<b>EPA Due</b>	30-Jun-2012
	<b>PCW</b>	23-Jul-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	S.L.C. WATER SUPPLY CORPORATION		
<b>Reg. Ent. Ref. No.</b>	RN101265908		
<b>Facility/Site Region</b>	9-Waco	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	44407	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-1266-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Katy Schumann
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$100
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	67.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$67
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**Notes** Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violations and two final agreed orders without a denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$15  
Approx. Cost of Compliance \$135  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$167
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$167
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$167
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$167
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Screening Date 15-Jun-2012

Docket No. 2012-1266-PWS-E

PCW

Respondent S.L.C. WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 44407

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101265908

Media [Statute] Public Water Supply

Enf. Coordinator Katy Schumann

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 67%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for three NOVs with same/similar violations, one NOV with dissimilar violations and two final agreed orders without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 67%

Screening Date 15-Jun-2012

Docket No. 2012-1266-PWS-E

PCW

Respondent S.L.C. WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 44407

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101265908

Media [Statute] Public Water Supply

Enf. Coordinator Katy Schumann

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(3)(c)(iii) and (f)(4)

Violation Description

Failed to submit routine reports and any additional documentation that the Executive Director may require to determine compliance with the requirements of this chapter. Specifically, in a letter dated April 6, 2011, an updated Recycling Practices Report ("RPR") was requested within 90 days, but was not submitted.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

## &gt;&gt; Programmatic Matrix

Falsification				Percent
	Major	Moderate	Minor	
	x			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1 32 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$167

This violation Final Assessed Penalty (adjusted for limits) \$167

# Economic Benefit Worksheet

**Respondent** S.L.C. WATER SUPPLY CORPORATION

**Case ID No.** 44407

**Reg. Ent. Reference No.** RN101265908

**Media** Public Water Supply

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$135	5-Jul-2011	31-Jan-2013	1.58	\$1	\$14	\$15
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to prepare an updated RPR and submit it to the Executive Director, calculated from the date the report was due to the estimated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$135

**TOTAL**

\$15





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	4-Jun-2012	<b>Screening</b>	15-Jun-2012	<b>EPA Due</b>	30-Jun-2012
	<b>PCW</b>	23-Jul-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	S.L.C. WATER SUPPLY CORPORATION		
<b>Reg. Ent. Ref. No.</b>	RN101265908		
<b>Facility/Site Region</b>	9-Waco	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	44407	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-1266-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Katy Schumann
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$150**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **67.0%** Enhancement **Subtotals 2, 3, & 7** **\$100**

**Notes** Enhancement for three NOVs with same/similar violations, one NOV with dissimilar violations and two final agreed orders without a denial of liability.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts **\$789**  
Approx. Cost of Compliance **\$5,000**  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$250**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** **\$250**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$250**

**DEFERRAL** **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$250**

Screening Date 15-Jun-2012

Docket No. 2012-1266-PWS-E

PCW

Respondent S.L.C. WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 44407

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101265908

Media [Statute] Public Water Supply

Enf. Coordinator Katy Schumann

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 67%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for three NOVs with same/similar violations, one NOV with dissimilar violations and two final agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 67%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 67%

Screening Date 15-Jun-2012

Docket No. 2012-1266-PWS-E

PCW

Respondent S.L.C. WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 44407

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101265908

Media [Statute] Public Water Supply

Enf. Coordinator Katy Schumann

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health &amp; Safety Code § 341.0315(c)

Violation Description

Failed comply with the maximum contaminant level of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on the running annual average. Specifically, at the time of the record review, it was documented that the running annual average concentration for TTHM was 0.093 mg/L for the third quarter of 2011, 0.112 mg/L for the fourth quarter of 2011 and 0.147 mg/L for the first quarter of 2012.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Exceeding the MCL for TTHM caused the customers of the Facility to be exposed to significant amounts of pollutants which did not exceed levels protective of human health.

Adjustment \$850

\$150

## Violation Events

Number of Violation Events 1

32 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$150

One annual event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$789

Violation Final Penalty Total \$251

This violation Final Assessed Penalty (adjusted for limits) \$251

# Economic Benefit Worksheet

**Respondent** S.L.C. WATER SUPPLY CORPORATION

**Case ID No.** 44407

**Reg. Ent. Reference No.** RN101265908

**Media** Public Water Supply

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Sep-2011	31-Dec-2013	2.25	\$38	\$752	\$789
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount for the Facility to implement an alternative form of disinfection, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$5,000

**TOTAL**

\$789

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600697015 S.L.C. WATER SUPPLY CORPORATION Classification: Rating:  
 Regulated Entity: RN101265908 S L C WSC Classification: Site Rating:  
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1470031  
 WATER LICENSING LICENSE 1470031  
 Location: 245 LIMESTONE COUNTY ROAD 775, LIMESTONE COUNTY, TEXAS  
 TCEQ Region: REGION 09 - WACO  
 Date Compliance History Prepared: June 15, 2012  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: June 15, 2007 to June 15, 2012  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Katy Schumann Phone: (512) 239-2602

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: N/A Repeat Violator: N/A

## Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 04/03/2008 ADMINORDER 2007-1275-PWS-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(A)  
 5A THC Chapter 341, SubChapter A 341.033(a)  
 Rqmt Prov: Ordering Provision 2.a.i. ORDER  
 Description: Failure to employ at least one operator who holds a valid Class B or higher surface water license.  
 Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)  
 Description: Failure to provide an appropriate air gap on the filter-to-waste line.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)(ii)  
 Description: Failure to equip each filter with an on-line turbidimeter and recorder which will allow the operator to determine the turbidity at 15-minute intervals.  
 Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(1)  
 Description: Failure to properly screen air release devices in the distribution system.  
 Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure to maintain the water system to ensure the good working condition and general appearance of the system's facilities and equipment.  
 Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)  
 Description: Failure to equip each filter unit with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators.  
 Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)  
 Description: Failure to maintain the water system's clearwell and all associated appurtenances are thoroughly tight against leakage.  
 Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)  
 Description: Failure to provide the roof hatch on the clearwell with a gasket to form a positive seal that prevents insects and other possible contaminants from entering the water supply.

Effective Date: 03/20/2010

ADMINORDER 2009-1315-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(A)

Rqmt Prov: Docket No. 2007-1275-PWS-E, OP 2.a.i. ORDER

Description: Failure to employ at least one operator who holds a valid Class "B" or higher surface water license.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)(ii)

Rqmt Prov: Docket No. 2007-1275-PWS-E, OP 2.b.ii. ORDER

Description: Failure to equip each filter at the Facility with an on-line turbidimeter and recorder which will allow the operator to measure and record the turbidity of the individual filter at 15-minute intervals.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)

Rqmt Prov: Docket No. 2007-1275-PWS-E, OP 2.a.ii. ORDER

Description: Failure to provide an appropriate air gap on the filter-to-waste line at the surface water treatment facility.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)

Rqmt Prov: Docket No. 2007-1275-PWS-E, OP 2.b.iii. ORDER

Description: Failure to equip each filter unit with a manually adjustable rate-of-flow controller that includes a rate-of-flow indicator or a flow control valve with an indicator.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(c)

Description: Failure to prevent an unauthorized discharge from a detention pond at the Facility.

Specifically, on the date of the investigation, it was observed that a berm at the detention pond was in disrepair, which was causing backwash water to escape the pond and flow off site.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)

Description: Failure to maintain all Facility operation and maintenance records and have those records available for review by Commission personnel during the inspection.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failure to maintain the exterior coating on the clearwell in accordance with AWWA standards.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a pressure tank capacity of 20 gallons per connection.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a raw water pumping capacity of 0.6 gpm per connection with the largest pump out of service.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 12/27/2011 (1006761)

2 03/28/2012 (1006799)

3 05/28/2012 (1006936)

4 06/28/2007 (562326)

5 01/18/2008 (614164)  
 6 02/15/2008 (618028)  
 7 07/03/2009 (745304)  
 8 05/26/2010 (802404)  
 9 07/14/2011 (940998)  
 10 05/22/2012 (997015)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 01/22/2008 (614164) CN600697015  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Exceeded the MCL for TTHM during the 1st two qtrs. of 2004.

Date: 12/27/2011 (1006761) CN600697015  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 Description: TTHM MCL 3Q2011 - the system violated the maximum contaminant level for trihalomethanes during the third quarter of 2011.

Date: 03/28/2012 (1006799) CN600697015  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 Description: TTHM MCL 4Q2011 - The system violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2011.

Date: 05/25/2012 (997015) CN600697015  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
 Description: Failure to inspect the pressure tanks annually externally and every five years internally.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
S.L.C. WATER SUPPLY  
CORPORATION  
RN101265908**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-1266-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding S.L.C. WATER SUPPLY CORPORATION ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply at 245 Limestone County Road 775 in Limestone County, Texas (the "Facility") that has approximately 525 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on May 14, 2012, TCEQ staff documented that in a letter dated April 6, 2011, an updated Recycling Practices Report ("RPR") was requested within 90 days, but was not submitted.
3. During a record review conducted on May 14, 2012, TCEQ staff documented that the running annual average concentration for total trihalomethanes ("TTHM") was 0.093 milligrams per liter ("mg/L") for the third quarter of 2011, 0.112 mg/L for the fourth quarter of 2011 and 0.147 mg/L for the first quarter of 2012.
4. The Respondent received notice of the violations on May 25, 2012.

## **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to submit routine reports and any additional documentation that the Executive Director may require to determine compliance with the requirements of this chapter, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(c)(iii) and (f)(4).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the maximum contaminant level of 0.080 mg/L for TTHM based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.133(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Four Hundred Seventeen Dollars (\$417) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Four Hundred Seventeen Dollar (\$417) administrative penalty.

## **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Four Hundred Seventeen Dollars (\$417) as set forth in Section II, Paragraph 5 above, for violations of

TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: S.L.C. WATER SUPPLY CORPORATION, Docket No. 2012-1266-PWS-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, submit the RPR, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d. to demonstrate compliance with Ordering Provision No. 2.a.
  - c. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average maximum contaminant level for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113.
  - d. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Public Water Supply Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature

affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pam Sowa  
For the Executive Director

4/18/13  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of S.L.C. WATER SUPPLY CORPORATION. I am authorized to agree to the attached Agreed Order on behalf of S.L.C. WATER SUPPLY CORPORATION, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, S.L.C. WATER SUPPLY CORPORATION waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Alan G. Hughes  
Signature

9-26-12  
Date

Alan G. Hughes  
Name (Printed or typed)  
Authorized Representative of  
S.L.C. WATER SUPPLY CORPORATION

President  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.